Stainbrook v. Lions Gate Entertainment et al Doc. 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jon Stainbrook

Plaintiff (s),

vs.

Lions Gate Entertainment, et al

Defendant(s).

Case No. 3:06cv2898

Judge David A. Katz

NOTICE: (BY PHONE, PARTIES EXCUSED)

CASE MANAGEMENT CONFERENCE

This case is subject to the provisions of LR 16.1 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). All counsel are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with LR 16.1 and assign it to one of the case management tracks described in LR 16.2(a). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and for trial. Discovery shall be guided by LR 26.1 et seq. and motion practice shall be guided by LR 7.1(b)-(j) et seq.

SCHEDULING OF CASE MANAGEMENT CONFERENCE

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference ("CMC") on **January 29, 2007** at **11:00 a.m.** before Judge David A. Katz, in Room 307, United States Courthouse, 1716 Spielbusch Avenue., Toledo, Ohio.

Local Rule 16:3(b) requires the attendance of both parties and lead counsel. "Parties" means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the actual facts of the case. "Party" does not mean in-house counsel or someone who merely has "settlement authority." If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed well in advance of the CMC, with copies of said motion delivered to all other counsel in the case, at least two (2) days prior to the conference.

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TRACK RECOMMENDATION

Pursuant to Local Rule 16.2(a), and subject to further discussion at the CMC, the Court recommends the following track:

____ EXPEDITED _X___ STANDARD ______ ADMINISTRATIVE

______ COMPLEX ______ MASS TORT

______ RECOMMENDATION RESERVED FOR CMC.

APPLICATION OF FED.R.CIV.P. 26(a)

Rule 26(a) of the Federal Rules of Civil Procedure, as amended December 1, 2000, mandate a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule. In the above entitled case, Rule 26(a) shall apply as follows:

_x___ All disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures (Rule 26(a)(l)), Disclosure of Expert Testimony (Rule 26(a)(2)), and Pre-Trial Disclosures (Rule 26(a)(3)).

____ Initial Disclosures (Rule 26(a)(1)) shall not apply; Disclosure of Expert Testimony (Rule 26(a)(2)) and Pre-Trial Disclosures (Rule 26(a)(3)) shall apply.

_x_ Prior to the Case Management Conference, the parties may undertake such informal or formal discovery as they mutually agree. Absent such agreement, counsel are reminded that, no preliminary formal discovery may be conducted prior to the CMC except as such discovery as is necessary and appropriate to support or defend against any challenges to jurisdiction or claim for emergency, temporary, or preliminary relief. This limitation in no way affects any disclosure required by Fed.R.Civ.P.26(a)(1) or by this order.

CONSENT TO JURISDICTION OF MAGISTRATE JUDGE

The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

PREPARATION FOR CMC BY COUNSEL

The general agenda for the CMC is set by Local Rule 16.3(b). **Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by FED.R.CIV.P. 26(f) and Local Rule 16.3(b). A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not later than 3 days before the CMC WITH A COPY DELIVERED TO CHAMBERS (ROOM 210). The report shall be in a form substantially similar to Attachment l.**

FILING OF DISCOVERY MATERIALS

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with Clerk's Office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

DEPOSITIONS PRACTICES

The Judges of the Northern District of Ohio have recently adopted LR 30.1 which governs the taking of depositions. Counsel are expected to comply with the rule in its entirety.

OTHER DIRECTIVES

In all cases in which it is anticipated that a party will seek fee shifting pursuant to statutory or case-law authority, any party so anticipating requesting fees shall file with the Court (and serve all counsel) at or prior to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to be the subject of any such claim. Such estimate shall include, but not be limited, to the following:

ATTORNEY'S FEES		COSTS	
Preliminary Investigation & Filing Complaint	$______________	Depositions	$________________
Procedural motions practice	$_______________	Experts	$________________
Discovery	$_______________	Witness Fees	$________________
Dispositive Motions Practice	$_______________	Other	$________________
Settlement Negotiations	$_______________		
Trial	$______________		
TOTAL FEES	$______________	**TOTAL COSTS**	$________________

RESOLUTION PRIOR TO CMC

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

GERI M. SMITH,
Clerk of Court

/s/ Cindy Reynolds
Cindy Reynolds
Courtroom Deputy for Judge Katz

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Plaintiff,

-vs-

Defendant.

Case No.

Judge

REPORT OF PARTIES' PLANNING MEETING UNDER FED.R. CIV. P. 26(F) L.R. 16.3(b)

l. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on

_________________________________, and was attended by:

______________________________ Counsel for Plaintiff(s) ________________________________

______________________________ Counsel for Plaintiff(s) ________________________________

______________________________ Counsel for Defendant(s) ______________________________

______________________________ Counsel for Defendant(s) ______________________________

2. The parties:

_____ have exchanged the pre-discovery disclosures required by Rule 26(a)(l) and The Court's prior order;

______ will exchange such disclosures by ______________________________

______ have not been required to make initial disclosures.

3. The parties recommend the following track:

______ Expedited _____ Standard ______ Complex

______ Administrative _____ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution ("ADR") mechanisms:

_____ Early Neutral Evaluation _____ Mediation _____ Arbitration

_____ Summary Jury Trial _____ Summary Bench Trial

_____ Case not suitable for ADR

5. The parties _____do/_____do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

____

____

(b) Discovery cut-off date: ______________________________________

7. Recommended dispositive motion date: __________________________

8. Recommended cut-off for amending the pleadings and/or adding additional parties: ____

9. Recommended date for a status hearing: ____________________________

10. Other matters for the attention of the Court: ____________________________________
____
____

11. **Counsel shall indicate their consent to proceed with electronic case filing (ECF)** (Indicate yes or no) (if yes, please indicate if you are presently set up in ECF; if no, please indicate why not or when you will be set up for ECF)

________ Plaintiff (s) ____

________ Defendants(s) ____

____

Attorney for Plaintiffs: ________________________

____

Attorney for Plaintiffs: ________________________

____

Attorney for Defendants: ______________________

____

Attorney for Defendants: ______________________

____

COUNSEL IS DIRECTED TO NOTE THE REQUIREMENT OF THE RULE 26(f) MEETING (page 2) AND THE NECESSITY OF FILING THE REPORT OF THE PLANNING MEETING NO LATER THAN 3 DAYS PRIOR TO THE CMC AND comply with the Court's other directive (page 3).